

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-2, 6, 8, 11-12, 15-16 and 27 have been amended. Claims 3-5, 7, 9-10, 13-14 and 17-26 have been cancelled without prejudice. New claims 28-33 have been added. Therefore, claims 1-2, 6, 8, 11-12, 15-16 and 27-33 are presented for examination. The following remarks are in response to the final Office Action mailed October 5, 2005.

### 35 U.S.C. § 103 Rejection

Claims 1-2, 6, 8, 11-12, 15-16, 20-21 and 25 stands rejected under 35 U.S.C. §103(a), as being unpatentable over Scott Corey Miller, U.S. Patent No. 6,421,707 (“Miller”) in view of Pamela Sue Austin, U.S. Patent No 6,157,924 (“Austin”).

Applicant respectfully submits that Miller discloses “[a] *wireless multimedia messaging* communications method and apparatus that permits a subscriber to a wireless telecommunications service to *receive and generate multimedia messages from known wireless personal communications devices*.” (Abstract; emphasis provided).

Austin discloses a “computer program product for *delivering information to a user in one or more preferred delivery media*. Preferred delivery media includes . . . e-mail, HTML, fax, printed copy, and mail.” (Abstract; emphasis provided).

In contrast, claim 1, in pertinent part, recites that “the predetermined criterion includes one or more of a sender’s name, a subject line, a size, and a time of arrival.” (emphasis provided). Applicant submits that neither Miller nor Austin teach or reasonably suggest that “the predetermined criterion includes one or more of a sender’s name, a subject line, a size, and a time of arrival” as recited by claim 1. (emphasis provided). Therefore, Miller and Austin when combined, in any combination would not

teach or reasonably suggest the feature. Accordingly, Applicants respectfully request that the rejection to claim 1 and its dependent claims be withdrawn.

Claims 8 and 15 includes limitations similar to those of claim 1. Accordingly, Applicants respectfully requests the withdrawal of the rejection of claims 8 and 15 and their dependent claims.

New claims 28-33 depend from one of claims 1, 8 and 15 and thus include all the limitations of the base claim. Accordingly, Applicants submit that claims 28-33 are patentable over the cited references.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for a one-month extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a). A check in the amount of \$120.00 is enclosed for this purpose.

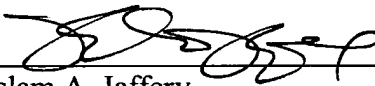
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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